

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: January 23, 2004
RE: Action taken by the Zoning Board of Appeals on January 22, 2004

The meeting was called to order at 7:04 p.m.

Roll call as follows:

Members present: Chair Patric Santerre, Secretary Catherine Alexander, Joseph Lewis, Nan Sawyer, William Hall

Members Absent: None

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, January 22nd, 2004 at 7:00 p.m. on the second floor in Room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1: Unfinished Business:

2: New Business:

A. Variance Appeal

145-153 Tucker Avenue, W & C, LLC, owner, represented by Terry N. Snow, (Tax Map #330-D-005-008 in the R-2 Zone). Applicant requests relief from §14-403 of the City of Portland Zoning Ordinance, which covers minimum requirements for street improvements on lots that abut any portion of a street which is not permanently paved. Applicant requests a Variance to require only the existing 115' of paved frontage rather than the entire frontage of 135' to be paved. Applicant also wishes to make an Interpretation Appeal, for which notices and ads were not done in error. Requested a continuance until such time as both appeals may be heard at the same meeting, which was granted 5-0.

B. Conditional Use Appeal

145 Auburn Street, Lewis E. McDonald, owner, (Tax Map #374-B-008-013 in the R-3 Zone). Applicant seeks permission to convert an existing in-home office building, attached to his single family home, to an additional dwelling unit, a Conditional Use permitted under §14-88.2 of the City of Portland Zoning Ordinance. The Board approved the request 5-0.

3: Other Business:

4: Adjournment: The meeting was adjourned at 7:30 pm

Enclosure: Agenda of January 22, 2004
Copy of Board's Decision
1 standard size tape

CC: Joseph Gray, City Manager
Mark Adelson, Housing & Community Services
Alex Jaegerman, Planning Department
Lee Urban, Planning & Development Director

members present: Patrice Samterre - Catherine Alexander -
NAN Sawyer - Bill Hall - Joe Lewis

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ZONING BOARD OF APPEALS

members Absent: None APPEAL AGENDA

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1: Unfinished Business:

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Continued
granted
5-0

A. Variance Appeal

ERROR in notice - wants to also do an interpretation appeal

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Granted
5-0

B. Conditional Use Appeal

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3: Other Business:

4: Adjournment: - 7:30 pm

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Patric Santerre, Chair
Catherine Alexander, Secretary
Nan Sawyer
Joe Lewis
William Hall

January 23, 2003

Lewis E. McDonald
145 Auburn Street
Portland, ME 04103

RE: 145 Auburn Street
CBL: 374-B-008, 013
ZONE: R-3

Dear Mr. McDonald:

As you know, at its January 22, 2004, meeting, **the Board of Appeals voted 5-0 to approve your Conditional Use Appeal**, to allow conversion of your existing Home Occupation office building to an additional dwelling unit.

Enclosed please find the billing for the Zoning Board of Appeals legal ad and abutters' notification, along with a copy of the Board's decision.

You will need to apply for a Change of Use Building permit, which authorizes the change from a single dwelling unit to two dwelling units. I have enclosed the permit application for your convenience. The permit must be issued before you can make the conversion. Please note that any construction changes you are making as part of your change of use will have to be documented with the application. Existing and proposed floorplans, along with materials lists and construction details will be required at the time of submission.

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,

Karen Dunfey
Inspection Services

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL

DECISION

Name and address of applicant: Lewis McDonald

Location of property under appeal: 145 Auburn Street

For the Record

Names and addresses of witnesses (proponents, opponents and others):

Lewis McDonald

Exhibits admitted (e.g., renderings, reports, etc.):

Findings of Fact

1. The proposes conditional use is/is not (circle one) permitted under section 14- 888 of the zoning ordinance, for the following reason(s):

5-0

2. The proposed conditional use does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s):

5-0

3-A. There are are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s):

5-0

3-B. There will/will not (circle one) be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s): 5-0

3-C. The impact does/does not (circle one) differ substantially from the impact which would normally occur from such a use in this zone, for the following reason(s): 5-0

Conclusion*

After public hearing on _____, and for the reasons above-stated, the accompanying application is hereby (check one)

granted

granted subject to the following condition(s):

denied.

Dated: January 22, 2004

John D. Min
Secretary of the Board

**The application may be denied only if either the finding for #1 or 2 above is in the negative or the findings for #'s 3-A, 3-B and 3-C above are each in the affirmative.

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3: Other Business:

4: Adjournment:



**City of Portland, Maine
Planning and Development Department
Zoning Board of Appeals
Conditional Use Appeal Application**

Applicant Information:

LEWIS E. McDONALD
Name

Business Name

145 AUBURN STREET
Address

Portland, ME 04103

773-1040 773-1040
Telephone Fax

Applicant's Right, Title or Interest in Subject Property:

Owner
(e.g. owner, purchaser, etc.)

Current Zoning Designation: R-3

Existing Use of Property:

Single Family

Subject Property Information:

145 Auburn St.
Property Address

374 8 8 13 AUBURN ST 14-151
Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone Fax

Conditional Use Authorized by Section 14: _____

Type of Conditional Use Proposed:

TWO FAMILY

Standards:

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

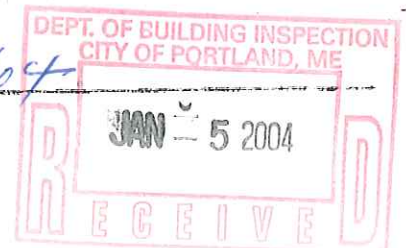
- (a) There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- (b) There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- (c) Such impact differs substantially from the impact which would normally occur from such a use in that zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as above described, and certifies that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Lewis E. McDonald
Signature of Applicant

1/04/04
Date



Lewis E. McDonald
145 Auburn Street
Portland, Maine 04103

Telephone: (207) 773-1040

January 4, 2004

Zoning Board of Appeals
City of Portland
Portland, Maine 04101

Re: Request for Change of Use

My property, located at 145 Auburn Street, consist of a double lot 140' X 225'. It consists of my primary residence, two car garage and abutting building with over 800 square feet of floor space. In the past I have used this building primarily as an office in home, approved by the City of Portland. Within the past year I have experienced health problems namely; spinal stenosis and arthritis in the back, a ruptured spleen that had to be surgically removed, and recently surgery for clogging arteries. For these reasons I have been forced to reduce my accounting and tax service by about 90 %.

Under these circumstances I believe the best use for my property would be to bring about a change of use from a single family unit to a two family. The property does consist of two lots, 70' X 225'. The second unit is in place and would not require any exterior construction as evidenced by the photos accompanying this request. There will be some minor interior renovations that will have to be done. The unit is landscaped with beautiful perennials and ample parking with a 40' X 40' parking area.

I believe my property is tailored to meet the requirements dictated by the City of Portland's zoning code. I thank you for your time and consideration on this matter.

Respectively submitted,


Lewis E. McDonald

BOUNDARY
Floor Plan

FLOOR PLAN - 145 AUBURN STREET
874 sq. FT. Living Space

SETBACK
18' 1/2"

SETBACK
12' 1/2"

BED ROOM
16' x 19'

BED ROOM
11' x 12'

LIVING ROOM
12' x 18'

KITCHEN
10' x 12'

BATHROOM
5' x 8'

ENTRANCE
8' x 5'

STEEL DOOR

GARAGE

EXIT

EXIT



AUBURN STREET

Parking
Area
10' x 20'

THIS IS NOT A BOUNDARY SURVEY

INSPECTION OF PREMISES

145 AUBURN ST
PORTLAND, MAINE

Job Number: 177-22
Inspection Date: 06/18/92
Scale: 1" = 40'

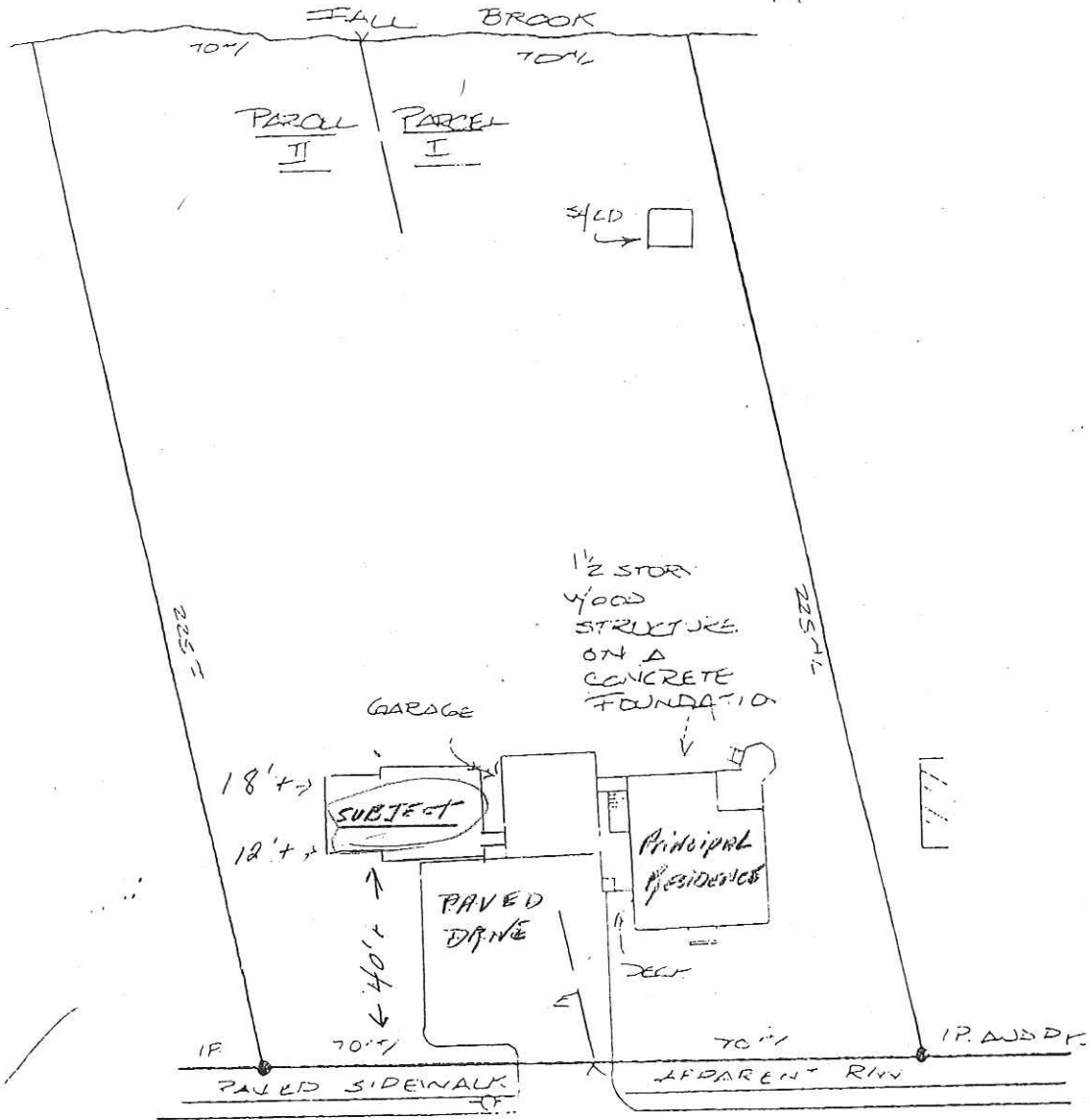
HEREBY CERTIFY TO NORTHEAST
LAND TITLE, FLEET AND ITS
TITLE INSURER

The monumentation is not in harmony with current
deed description.

The building setbacks are not in conformity with
town zoning requirements.

The land and not the dwelling do not appear to fall
within the special flood hazard zone as delineated by
the Federal Emergency Management Agency.

OWNER: LEWIS E McDONALD



AUBURN STREET
(BITUMINOUS)

Plot Plan

THIS PROPERTY IS SUBJECT TO ALL
RIGHTS AND EASEMENTS OF RECORD.
THOSE THAT ARE EVIDENT ARE SHOWN.
THIS PLAN MIGHT NOT REVEAL
CONFLICTS WITHIN ABUTTING DEEDS

BRUCE R. BOWMAN, INC.
48 Mill Road
Cumberland, Maine-04021
Phone: (207)829-3959

PLAN BOOK _____ PAGE _____ LOT _____
DEED BOOK _____ PAGE _____ COUNTY CUMBERLAND

THIS PLAN IS NOT FOR RECORDING Drawn by: JMM

